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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,868	12/09/2003	Lisa C. Tidwell	1DATA.106A	6425
20995 7590 02/07/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			EXAMINER GRAHAM, CLEMENT B	
			ART UNIT 3692	PAPER NUMBER
			NOTIFICATION DATE 02/07/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcarter@kmob.com
eOAPilot@kmob.com

Office Action Summary

Application No.

10/730,868

Applicant(s)

TIDWELL ET AL.

Examiner

Clement B. Graham

Art Unit

3692

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 1, 5, 15, 24, 26, 37, 45, are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Applicant's claims are directed to an algorithm. Specifically, claim 1 recites "comparing", "determining" and ", however these steps are mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, for example) and abstract ideas without a practical application are found to be non-statutory subject matter. Therefore, Applicant's claims are non-statutory as they do not produce a useful, concrete and tangible result.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-45, are rejected under 35 U.S.C. 102(e) as being anticipated by Carr et al (Hereinafter Carr U.S Pub: 2003/0056104 A1).

As per claim 1, Carr discloses a computerized method for determining whether to authorize the cashing of a payroll check presented to a check-cashing entity, the method comprising:

obtaining with a point-of-sale device installed at a check-cashing entity input about at least one watermark on a payroll check presented for a proposed check-cashing transaction, comparing the input about the watermark with stored data about watermarks determining a risk score based at least in part on the comparison, and determining based at least in part on the risk

score whether to authorize the cashing of the payroll check.(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 2, Carr discloses. wherein comparing the input with the stored data further comprises determining a degree of similarity between the input and an expected configuration for the watermark. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 3, Carr discloses wherein determining a risk score based at least in part on the comparison comprises determining a risk score indicative of a degree of similarity. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 4, Carr discloses wherein determining a risk score based at least in part on the comparison comprises determining a risk score indicative of lower risk when the degree of similarity is greater and determining a risk score indicative of higher risk when the degree of similarity is less. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 5, Carr discloses a computerized apparatus that indicates to an entity whether to accept a check, the apparatus comprising:
a computer processor configured to receive information about at least one authenticating mark on a check presented to an entity, the computer processor further configured to determine a risk score associated with accepting the check, wherein the risk score is based at least in part on the information about the authenticating mark, the computer processor further configured to indicate to the entity whether to accept the check based at least in part on the risk score. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 6, Carr discloses wherein the authenticating mark is a watermark, barcode, insignia, heat-sensitive mark, security validation number, color scheme, background pattern, microprinting, colorshifting ink, holographic strips, or plurality of ultraviolet light sensitive fibers. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 7, Carr discloses wherein the computer processor determines the risk score

based on a degree of similarity between insignia-related input received by the entity and stored information about expected configurations of authenticating marks. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 8, Carr discloses wherein the computer apparatus determines a risk score indicative of less risk when the degree of similarity is higher. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 9, Carr discloses wherein the computer processor is further configured to compare the information about the authenticating mark with stored information about expected configurations of authenticating marks. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 10, Carr discloses wherein the computer processor is further configured to receive the information about the authenticating mark from a third party service. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 11, Carr discloses further configured to receive the information about the authenticating mark from the entity. . (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 12, Carr wherein the computer processor is further configured to indicate to the entity whether to accept the check based at least in part on information about a check presenter associated with the check. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 13, Carr discloses wherein the computer processor is further configured to indicate to the entity whether to accept the check based at least in part on information about an issuer location associated with the check. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 14, Carr discloses wherein the computer processor is further configured to indicate to the entity whether to accept the check based at least in part on positive pay information associated with the check. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 15, Carr discloses a computerized method that indicates to an entity

whether to accept a check, the method comprising:
receiving from an entity information about at least one authenticating mark on a check associated with a proposed check transaction;
determining a risk score associated with the proposed check transaction based at least in part on the information about the authenticating mark; and
indicating to the entity whether to accept the check based at least in part on the risk score.
(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 16, Carr discloses wherein the authenticating mark is a watermark, barcode, insignia, heat-sensitive mark, security validation number, color scheme, background pattern, microprinting colorshifting ink, holographic strips, or plurality of ultraviolet light sensitive fibers. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 17, Carr discloses wherein comparing the input with the stored data further comprises determining a degree of similarity between the input and an expected configuration for the authenticating mark. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 18, Carr discloses wherein determining a risk score based at least in part on the comparison comprises determining a risk score indicative of a degree of similarity. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 19, Carr discloses wherein determining a risk score further comprises determining the risk score based at least in part on biometric information about a check presenter associated with the proposed check transaction. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 20, Carr discloses wherein determining a risk score further comprises determining the risk score based at least in part on information about a location associated with the check. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 21, Carr discloses wherein the location associated with the check is a

location associated with an issuer of the check. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 22, Carr discloses wherein the location associated with the check is a location associated with the entity. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 23, Carr discloses wherein determining a risk score further comprises determining the risk score based at least in part on positive pay information associated with the check. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 24, Carr discloses an apparatus that scores risk associated with a proposed financial transaction, the apparatus comprising:
a computer processor configured to receive information about at least one authenticating mark on a negotiable instrument associated with a proposed financial transaction, the computer processor further configured to determine a risk score associated with the proposed financial transaction based at least in part on the information about the authenticating mark. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 25, Carr discloses wherein the authenticating mark is a watermark, barcode, insignia, heat-sensitive mark, security validation number, color scheme, background pattern, microprinting, colorshifting ink, holographic strips, or plurality of ultraviolet light sensitive fibers. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 26, Carr discloses a method that scores risk associated with a proposed financial transaction, the method comprising: receiving information about at least one authenticating mark on a negotiable instrument presented in association with a proposed financial transaction, and determining a risk score associated with the proposed financial transaction based at least in part on the information about the authenticating mark. .(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 27, Carr discloses wherein the authenticating mark is a watermark, barcode, insignia, heat-sensitive mark, security validation number, color scheme, background pattern, microprinting, colorshifting ink, holographic strips, or plurality of ultraviolet light sensitive fibers. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 28, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises considering a comparison of insignia-related input received by an entity associated with the proposed financial transaction and an expected configuration of an authenticating mark. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 29, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises determining an insignia-related risk score. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 30, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises determining the risk score based at least in part on information about a presenter of the negotiable instrument. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 31, Carr discloses wherein the information about the presenter comprises biometric information about the presenter. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 32, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises determining the risk score based at least in part on information about a location associated with the issuer of the negotiable instrument. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 33, Carr discloses wherein determining a risk score associated with the proposed financial transaction further comprises determining the risk score based at least in part on reconciliation information associated with the negotiable instrument. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 34, Carr discloses wherein the reconciliation information comprises positive pay information. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 35, Carr discloses wherein receiving information about at least one authenticating mark comprises receiving a front and a back image of the authenticating mark. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 36, Carr discloses wherein receiving information about at least one authenticating mark comprises receiving a front and a back image of the negotiable instrument. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 37, Carr discloses a computerized system that determines whether to authorize a proposed check transaction, the system comprising:
a point-of-sale device installed at a check-cashing entity, wherein the point-of-sale device is configured to obtain data about one or more authenticating marks on a check associated with a proposed check transaction;
a database of information about authenticating marks(see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27) a computer processor configured to receive the data from the point-of-sale device and to compare the data with information stored in the database; and
a check authorization system configured to determine a risk score based at least in part on the comparison, the check authorization system further configured to determine based at least in part on the risk score whether to authorize the check transaction. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 38, Carr discloses wherein the point-of-sale device is further configured to obtain a front and a back image of the authenticating mark. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 39, Carr discloses wherein the point-of-sale device is further configured to obtain a front and a back image of the check. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

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As per claim 40, Carr discloses wherein the computer processor is located at the check-cashing entity. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 41, Carr discloses wherein the computer processor is located at a third party service provider. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 42, Carr discloses wherein the third party service provider is configured to transmit information about the comparison to the check authorization system. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 43, Carr discloses wherein the third party service provider is configured to transmit information about the comparison to the check-cashing entity. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 44, Carr discloses wherein the computer processor is located at the check authorization system. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

As per claim 45, Carr discloses a system for indicating to a check-cashing entity whether to accept a check for cashing, the system comprising:
means for receiving from a check-cashing entity information about at least one authenticating mark on a check associated with a proposed check-cashing transaction, means for determining a risk score associated with the proposed check-cashing transaction based at least in part on the information about the authenticating mark and means for indicating to the check-cashing entity whether to accept the check for cashing based at least in part on the risk score. (see column 1 para 0004 and column 3 para 0030 and column 5 lines 0061-62 and column 7 lines claim 27).

Conclusion

4. Applicant argument filed 11/19/07 has been fully considered but they are moot in view of new grounds of rejections.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 571-272-6795. The examiner can normally be reached on 7am to 5pm.

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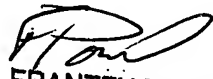
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambis Abdi can be reached on 571-272-6795. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG

Feb 2, 2008


FRANTZY POINVIL
PRIMARY EXAMINER
Art 3692